

A BILL

FOR AN ACT TO PROVIDE FOR NOTICE OF PENDANCY OF ACTIONS AFFECT-
ING THE TITLE TO REAL ESTATE.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. In an action affecting the title to real property the plaintiff at the time of the
2 filing of the petition, or at any time afterwards, or whenever a writ of attachment shall be
3 issued, or at anytime afterwards, the plaintiff, or a defendant when he sets up an affirma-
4 tive cause of action, and in his answer demands substantive relief, at the time of filing his
5 answer, or at any time afterwards, if the same be intended to affect real estate, may file
6 with the clerk of the district court in the county in which the property is situated a notice
7 of the pendancy of the action, containing the names of the parties, the object of the action
8 and a description of the property in that county affected thereby. From the time of filing
9 only shall the pendancy of the action be constructive notice to the purchaser or incumbran-
10 cer of the property affected thereby, every person whose conveyance or incumbranced is
11 subsequently executed, or subsequently recorded, shall be deemed a subsequent purchaser
12 or incumbrancer, and shall be bound by all proceedings taken after the filing of such notice
13 to the same extent as if he were made a party to the action. For the purposes of this sec-
14 tion, the action shall be deemed to be pending from the time of filing such notice ; *provided,*
15 *however,* that such notice shall be of no avail unless it shall be followed by the first publica-
16 tion of the original notice or by the personal service thereon on the defendant within sixty
17 days after such filing.

SEC. 2. And the court in which said action was commenced may in its discretion at any
2 time after the action shall be settled, discontinue, or abate, on application of any person ag-
3 grieved, and on good cause shown, and on such notice as shall be directed or approved by
4 the court, order the notice authorized by section one of this act to be cancelled of record by
5 the clerk of the court in whose office the same may have been filed or recorded, and such
6 cancellation shall be made by an endorsement to that effect on the margin of the record,
7 which shall refer to the order, and for which the clerk shall be entitled to a fee of twenty-
8 five cents.

SEC. 3. The notice provided for in the first section of this act, shall be recorded in a book
2 appropriated for that purpose by the clerk of the county in which the same is filed, and
3 shall be duly indexed in the name of all the defendants therein, and for such recording
4 and indexing, the clerk shall be entitled to receive the same fees as are now provided by
5 law for the recording of deeds, such fees to be taxed in the costs of the action.